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HOUSE BILL 2260

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State of Washington

68th Legislature

2024 Regular Session

**By** Representatives Waters, Reeves, Leavitt, Kloba, and Cheney; by request of Liquor and Cannabis Board

Read first time 01/10/24. Referred to Committee on Regulated Substances & Gaming.

1 AN ACT Relating to establishing civil penalties for the unlawful  
2 sale or supply of alcohol to minors; amending RCW 66.44.270; creating  
3 a new section; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that preventing  
6 sales of alcohol to minors is a vital public health effort. However,  
7 the penalties associated with underage sale vary depending upon the  
8 seller's occupation or location. While servers and bartenders have  
9 administrative penalty options that are a component of the mandatory  
10 alcohol server training, store clerks do not and instead receive a  
11 citation for a gross misdemeanor.

12 The likelihood that these charges are filed varies by county,  
13 leaving some with no penalty at all, and others with a criminal  
14 record that may hamper their ability to find another job.

15 The legislature finds that retaining the criminal penalty is  
16 warranted in cases of intentional or repeat sales to minors. However,  
17 the legislature also finds that adding the option for administrative  
18 penalties would harmonize the penalties for store clerks with  
19 restaurant servers, and for store clerks found to have sold tobacco  
20 products to minors.

1 The legislature therefore finds that enabling the ability for the  
2 liquor and cannabis board to issue administrative penalties and  
3 creating an escalating schedule of monetary fines, would reduce  
4 geographic disparities as well as reducing the number of people with  
5 criminal records. The legislature further finds that this would not  
6 harm public health or expand youth access.

7 **Sec. 2.** RCW 66.44.270 and 2015 c 59 s 2 are each amended to read  
8 as follows:

9 (1) It is unlawful for any person to sell, give, or otherwise  
10 supply liquor to any person under the age of (~~twenty-one~~) 21 years  
11 or permit any person under that age to consume liquor on his or her  
12 premises or on any premises under his or her control. For the  
13 purposes of this subsection, "premises" includes real property,  
14 houses, buildings, and other structures, and motor vehicles and  
15 watercraft. A violation of this subsection is a gross misdemeanor  
16 punishable as provided for in chapter 9A.20 RCW.

17 (2) The board may impose civil penalties as set forth in this  
18 section on individuals for the sale, gift, or otherwise supply of  
19 liquor to any person under the age of 21 occurring from a business  
20 licensed by the board under this chapter, and by a person performing  
21 acts of employment on behalf of the business. The board may impose a  
22 civil penalty in lieu of issuing a criminal citation under subsection  
23 (1) of this section.

24 (a) Any civil penalty imposed by the board may not be in addition  
25 to criminal enforcement, and the board may not issue a criminal  
26 citation in any matter in which it issues a civil penalty.

27 (b) Nothing in this section prevents criminal enforcement in lieu  
28 of a civil penalty for continued violations, or violations involving  
29 intentional sales of, or knowingly furnishing, alcohol to a person  
30 under the age of 21 years.

31 (c) Nothing in this section prevents enforcement using provisions  
32 of RCW 66.20.300 through 66.20.350 when a person holds an alcohol  
33 server permit.

34 (d) The monetary penalty that the board may impose based upon one  
35 or more violations under this section may not exceed the following:

36 (i) \$200 for the first violation;

37 (ii) \$400 for a second violation occurring within three years;

38 and

1 (iii) \$500 for a third, or subsequent, violation occurring within  
2 three years.

3 (e) The board may develop and offer a class for retail clerks and  
4 use this class in lieu of a monetary penalty for the clerk's first  
5 violation.

6 (f) The board may seek injunctive relief to enforce the  
7 provisions of this chapter. The board may initiate legal action to  
8 collect civil penalties imposed under this chapter if they have not  
9 been paid within 30 days after imposition. In any action filed by the  
10 board under this chapter, the court may, in addition to any other  
11 relief, award the board reasonable attorneys' fees and costs.

12 (g) All proceedings under this section must be conducted in  
13 accordance with chapter 34.05 RCW.

14 (3)(a) It is unlawful for any person under the age of (~~twenty-~~  
15 one)) 21 years to possess, consume, or otherwise acquire any liquor.  
16 A violation of this subsection is a gross misdemeanor punishable as  
17 provided for in chapter 9A.20 RCW.

18 (b) It is unlawful for a person under the age of (~~twenty-one~~)  
19 21 years to be in a public place, or to be in a motor vehicle in a  
20 public place, while exhibiting the effects of having consumed liquor.  
21 For purposes of this subsection, exhibiting the effects of having  
22 consumed liquor means that a person has the odor of liquor on his or  
23 her breath and either: (i) Is in possession of or close proximity to  
24 a container that has or recently had liquor in it; or (ii) by speech,  
25 manner, appearance, behavior, lack of coordination, or otherwise,  
26 exhibits that he or she is under the influence of liquor. This  
27 subsection (~~((2))~~) (3)(b) does not apply if the person is in the  
28 presence of a parent or guardian or has consumed or is consuming  
29 liquor under circumstances described in subsection (~~((4), (5), or~~  
30 ~~(7))~~) (5), (6), or (8) of this section.

31 (~~((3))~~) (4) Subsections (1) and (~~((2))~~) (3)(a) of this section do  
32 not apply to liquor given or permitted to be given to a person under  
33 the age of (~~twenty-one~~) 21 years by a parent or guardian and  
34 consumed in the presence of the parent or guardian. This subsection  
35 shall not authorize consumption or possession of liquor by a person  
36 under the age of twenty-one years on any premises licensed under  
37 chapter 66.24 RCW.

38 (~~((4))~~) (5) This section does not apply to liquor given for  
39 medicinal purposes to a person under the age of (~~twenty-one~~) 21  
40 years by a parent, guardian, physician, or dentist.

1       (~~(5)~~) (6) This section does not apply to liquor given to a  
2 person under the age of (~~(twenty-one)~~) 21 years when such liquor is  
3 being used in connection with religious services and the amount  
4 consumed is the minimal amount necessary for the religious service.

5       (~~(6)~~) (7) This section does not apply to liquor provided to  
6 students under (~~(twenty-one)~~) 21 years of age in accordance with a  
7 special permit issued under RCW 66.20.010(12).

8       (~~(7)~~) (8)(a) A person under the age of (~~(twenty-one)~~) 21 years  
9 acting in good faith who seeks medical assistance for someone  
10 experiencing alcohol poisoning shall not be charged or prosecuted  
11 under subsection (~~(+2)~~) (3)(a) of this section, if the evidence for  
12 the charge was obtained as a result of the person seeking medical  
13 assistance.

14       (b) A person under the age of (~~(twenty-one)~~) 21 years who  
15 experiences alcohol poisoning and is in need of medical assistance  
16 shall not be charged or prosecuted under subsection (~~(+2)~~) (3)(a) of  
17 this section, if the evidence for the charge was obtained as a result  
18 of the poisoning and need for medical assistance.

19       (c) The protection in this subsection shall not be grounds for  
20 suppression of evidence in other criminal charges.

21       (~~(8)~~) (9) Conviction or forfeiture of bail for a violation of  
22 this section by a person under the age of (~~(twenty-one)~~) 21 years at  
23 the time of such conviction or forfeiture shall not be a  
24 disqualification of that person to acquire a license to sell or  
25 dispense any liquor after that person has attained the age of  
26 (~~(twenty-one)~~) 21 years.

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